

**REMARKS**

Applicants have carefully reviewed the Office Action dated November 24, 2003. Claims 1-10 are pending in this application. Applicants have amended Claims 1 and 6 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1-10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-9 of Philyaw, U. S. Patent No. 6,615,268.

Applicants have prepared and hereby submitted a terminal disclaimer in compliance with 37 C.F.R. 1.321(c).

Claims 1, 4-5, 6, and 9-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Bendinelli et al.* in view of *Ullman et al.* and further in view of *Wolzien*. This rejection is respectfully traversed with respect to the amended claims.

The Examiner is utilizing the combination of three references to support the rejection. The first is the *Bendinelli et al.* reference that provides an embedded URL that can be extracted during output of recorded information to a user at a user location, this being a network information identifier. Once the code is extracted, then a vendor location is accessed such that vendor product information can be returned. The Examiner indicated that the *Bendinelli* reference does not explicitly disclose the unique code as being embedded within the recorded information of the compact disk but indicated that the unique code will be output during normal playback to the compact disk and within the video/audio bandwidth thereof. The Examiner is utilizing the *Ullman* reference as showing that an embedded URL can be disposed within a video program. The Examiner also then utilizes the *Wolzien* reference relative to one limitation of the claim that requires the embedded code not have routing information associated therewith. The Examiner indicated that the disclosure in *Wolzien*, beginning at Col. 3, Line 25, Col. 3, Line 48 sets forth that the address does not contain routing information. However, the indication is that

**AMENDMENT AND RESPONSE**

S/N 09/378,217

Atty. Dkt. N . PHLY-24,707

the information embedded within the broadcast is or represents an "electronic address of an on-line information provider." In the Specification, Col. 7, Lines 51-53 it is indicated that the address, after extraction thereof, is transmitted to an on-line information provider, which information provider is then operable to send information thereto. It is believed that the Specification is incorrect and that the address is the means by which the on-line information provider is accessed, i.e., the address is actually a unique identifier for that particular on-line provider as a network. Thus, this appears to be nothing more than an embedded URL. In any event, Applicants believe that none of the references, taken singularly or in combination, represent a storage media such as DVD that has stored thereon within the video/audio bandwidth of the program a unique identifier that has no embedded URL, i.e., there is no routing information stored in the unique code. In such a manner, a manufacturer of such program media can transmit the media with a unique identifier that can be later accessed and transmitted to a central location. Many years down the road, although the address has changed for a destination on a network, this relationship can be changed and updated under control of a central body. There is no motivation in any of the three cited references for such concept. As such, Applicants respectfully request the withdrawal of the U.S.C. 103(a) rejection with respect to Claims 1, 4-5, 6 and 9-10.

Claims 2-3 and 7-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Bendinelli-Ullman-Wolzien* and further in view of *Hitzelberger*. This rejection is respectfully traversed with respect to the amended claims. Since Claims 2-3 and 7-8 are dependent claims on the above noted independent claims rejected under the combination of *Bendinelli*, *Ullman*, and *Wolzien*, Applicants believe that the addition of the *Hitzelberger* reference does not cure the deficiencies therein. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 103(a) rejection with respect to Claim 2-3 and 7-8.

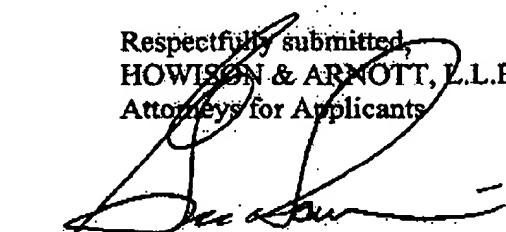
Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims

**AMENDMENT AND RESPONSE**  
S/N 09/378,217  
Atty. Dkt. No. PHLY-24,707

9

as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to  
Deposit Account No. 20-0780/PHLY-24,707 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,  
HOWISON & ARNOTT, L.L.P.  
Attorneys for Applicants

  
Gregory M. Howison  
Registration No. 30,646

GMH/yoc

P.O. Box 741715  
Dallas, Texas 75374-1715  
Tel: 972-479-0462  
Fax: 972-479-0464  
April 16, 2004

**AMENDMENT AND RESPONSE**  
S/N 09/378,217  
Atty. Dkt. N . PHLY-24,707